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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

To: The Commission

COMMENTS

Costa de Oro Television, Inc. ("Costa"), the permittee of Station KSTV(TV), Ventura, California ("Station"), hereby submits its Comments on the Commission's Sixth Further Notice Of Proposed Rule Making, FCC 96-207, released August 14, 1996 ("NPRM").¹ In support thereof, Costa states as follows:

1. Costa has considered the NPRM as well as the Comments being submitted to the Commission by ad hoc group of broadcast organizations. It is in general agreement with the suggestions being put forth by the ad hoc group and urges the Commission to give serious consideration to what is being said.

2. In considering the ad hoc group's Comments, Costa noted that the ad hoc group had found that the Commission's database contained a variety of inaccuracies. As a result, Costa charged

¹ Comments in this proceeding were due to be filed on or before November 22, 1996. By Order Extending Time for Filing Reply Comments, DA 96-1929, released November 20, 1996, the Commission agreed to accept late-filed comments so long as they were "filed within a reasonable period of time after the November 22, 1996 deadline." Costa has no reason to believe that this filing is not being made within such period.

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its consulting engineer with reviewing the database as applied to the Modified Table.

3. As indicated by the attached statement of Robert W. Denny, Jr., P.E., the information concerning the Station in the FCC database is, like those of at least 150 other stations, incorrect. As a result, there is a potential impact on the DTV Table.

4. Costa suspects that the reason for the discrepancy is because the Commission adhered to a policy, described in Paragraph 63 of the NPRM, that NTSC facility changes granted after July 25, 1996 are subject to a condition relating to the final decision on the DTV Table. The potential lies here for the Station's facilities to be required to be reduced or modified in order to comply with the DTV Table. This is a result that Costa finds unacceptable as it seeks to improve its broadcasting facility and expand its service to the viewing public.

5. On July 11, 1996, Costa filed an application (File No. BMPCT-960711KU) requesting authority from the Commission to modify the facilities of the Station. The requested modification involved an increase in maximum peak visual power from 4570 kilowatts to 5000 kilowatts. There was no request to relocate the transmitter location or change any other feature of the transmission facility. The minor change application was routinely granted on November 21, 1996 (Public Notice, Report No. 43876, released November 27, 1996). As a result of the Commission's proposal, Costa will be disadvantaged by not having

its full authorized facility considered in the DTV allotment process. It opposes such a result.

5. The only equitable means for dealing with this question is for the Commission to permit all minor facility modification applications that were unopposed and filed before July 25, 1996 to be processed without the DTV condition. Consistent therewith, the facility modifications, when licensed after completion of construction, should be incorporated into the final DTV Table.

6. The purpose of the DTV rulemaking has been to provide improved broadcasting service to the public. Costa, in constructing the Station, has sought to reach as many viewers as possible, whether in the NTSC or digital environment. There is absolutely no reason why such viewers should suffer NTSC or DTV service losses where this results from the selection of a cut-off date after Costa had filed a facilities change application. Costa urges the Commission to reject any approach that would result in loss in service and to incorporate the modified service area of the Station, and like parties, into its final DTV

allotment and assignment plan.

Respectfully submitted,

COSTA DE ORO TELEVISION, INC.

By: 

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Its Attorneys

Dated: December 18, 1996

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December 10, 1996

VIA TELECOPIER & MAIL

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Mr. Robert O. Niles
Vice President/Director of Engineering
ABC, Inc.
4100 City Line Avenue
Philadelphia, PA 19131

Re: ATV Coordination Region 1 Request

Dear Bob:

Our client, Costa de Oro Television, Inc., is the permittee of commercial television station KSTV-TV, Channel 57, Ventura, California. On July 11, 1996, the permittee filed an application with the FCC (FCC File No. BMPCT-960711KU) to increase maximum peak visual power from 4570 kilowatts to 5000 kilowatts and to change the horizontal plane radiation characteristics of the directional antenna proposed for use by KSTV-TV. No changes in location or antenna radiation center height above average terrain were specified in that application. The site authorized remains at 34° 19' 51" North Latitude, 119° 01' 22" West Longitude, and the radiation center height above average terrain remains at 530 meters.

The July 11, 1996, application for modification of the KSTV-TV construction permit has been granted by the FCC, and it is my understanding that construction of the station is well underway. Based on the May 13, 1996, cut-off date for the database used by the FCC and the Broadcasters' Caucus, it appears that the previously authorized facilities for KSTV-TV were used in preparing both the FCC Draft Table of Allotments and the Broadcasters' Caucus Modified Table dated October 9, 1996. Accordingly, the permittee requests that future advanced television channel allocation plans take the most recently authorized facilities for KSTV-TV into account.

For your convenience, I have enclosed a copy of the FCC database record for the currently authorized KSTV-TV facilities. Please call if you have any questions, or if any problem should arise concerning this request.

Best regards.

Sincerely,

Robert W. Denny, Jr., P.E.

Enclosure

KSTV-TV VENTURA, CA Ch 57+ (728-734 mhz) Zone: II		TV Station	File # BMPCT-960711KU
Site Coordinates 34° 19' 51" N.L. 119° 01' 22" W.L.		CP MOD	Docket #
Permittee: COSTA DE ORO TELEVISION, INC.			Max HAAT : 705 m
Polarization: Horizontal			Directional Ant. YES
ERP: 5000 kw HAAT: 530 m HAMS: 797 m			Educational NO
			Beam Tilt YES
Directional Antenna is : AND Model No.: ODD960711KU Orientation: 0			
This site is sufficiently close to Mexico to require notification.			

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DEA FCC TV DATABASE OF 96/12/05 Ver. 5.0

User: DEA

Antenna Make : AND Rotation: 0.0° Antenna Model: ODD960711KU	KSTV-TV VENTURA, CA Ch 57+ 5000 KW(MAX-DA) 530 m
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Bearing (Deg T)	Relative Field	Bearing (Deg T)	Relative Field	Bearing (Deg T)	Relative Field	Bearing (Deg T)	Relative Field
0.0	0.194	110.0	0.970	220.0	0.650	330.0	0.208
10.0	0.198	* 120.0	0.995	230.0	0.834	340.0	0.195
20.0	0.202	130.0	0.954	240.0	0.954	* 350.0	0.193
30.0	0.203	140.0	0.834	> 250.0	0.993		
40.0	0.207	150.0	0.643	260.0	0.966		
50.0	0.253	160.0	0.430	270.0	0.886		
60.0	0.342	170.0	0.293	280.0	0.754		
70.0	0.459	< 180.0	0.254	290.0	0.598		
80.0	0.595	190.0	0.258	300.0	0.462		
90.0	0.747	200.0	0.310	310.0	0.347		
100.0	0.887	210.0	0.450	320.0	0.260		

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